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File No. 0 Workmen's Compensation/50

Legal Department

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Subject:— Opinions under the Workmen's Compensation Act 1923

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Office of the R.Lab.

Liability of Government to compensate for death of drivers in an accident during the course of their duty.

If the finding of the Investigation Committee that the gateman opened the gate under coercion is correct - and it appears difficult to challenge it - the Railway would not be liable to pay and compensation. The Bombay State Government will have to pay compensation to the family of the deceased driver Parasuram Yellappa. It is true that the other deceased driver Chilkarde "journeyed the trunk on his own accord" but it cannot be disputed that he was also a Government servant who was allowed to drive the trunk to afford relief to the driver Parasuram Yellappa. In the circumstance it would be fair to allow some compensation to the family of Chilkarde also.

Sd/- P.M.Lad.
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Remembrancer of Legal Affairs.

V.R. to Agriculture and Forest Department, No. 2552 dated the 22nd February 1950.

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